



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/768,329	01/25/2001	Eiji Ohara	862.C2096	3932

5514 7590 06/27/2005

FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER

LAMB, TWYLER MARIE

ART UNIT	PAPER NUMBER
----------	--------------

2622

DATE MAILED: 06/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/768,329

Applicant(s)

OHARA, EIJI

Examiner

Twyler M. Lamb

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4,5,7-10,14 and 18-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4,5,7-10,14 and 18-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 4, 5, 7-10, 14 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki et al. (Suzuki) (US 5,216,724) in view of Tahara et al. (US 6,674,444).

Regarding claims 4, 14 and 18, Suzuki discloses an image processing apparatus comprising: discrimination means (fig.4, 408, column 5, lines 36-61) for discriminating, by using a plurality of different discrimination processes including a digital watermark detection process, whether or not image data is specific image (column 5, lines 62-68, and column 6, lines 1-7); selection means for selecting at least one of the plurality of different discrimination processes based on an operation by a user (column 5, lines 62-68, and column 6, lines 1-7) and control means (CPU 417) for controlling a process of the image data accordance with a discrimination result of said discrimination means.

Suzuki does not specifically teach the user putting in a password.

Tahara discloses an image processing apparatus that includes user putting in a password to gain access to the system (col 3, lines 26-32; col 22, lines 37-54).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Suzuki to include the user inputting a password as

Art Unit: 2622

taught by Tahara. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Suzuki by the teaching of Tahara to allow the user access to the system to perform operations as taught by Tahara in col 3, lines 26-32; col 22, lines 37-54.

Regarding: claim 5, Suzuki discloses (column 5, lines 36-61) an image processing apparatus, wherein said discrimination means executes at least a discrimination process for discriminating similarity between a feature obtained from the image data, and feature specific image which is set in advance (10,000 YEN).

Regarding claim 7, Suzuki discloses (column 15, lines 17-66 and column 20, lines 33-58) an image processing apparatus, wherein an order of the plurality different discrimination processes executed by said discrimination means can be set. As taught by Suzuki that the system allows for discriminating within the system a number of different methods of which two have been shown above in the columns and lines. Further, it would have been inherent that the systems can be setup in number of different ways and able to chosen by the user or manufacturer for the country being used.

Regarding: claim 8, Suzuki discloses (column 13, lines 54-68, and column 14, lines 1-10) an image processing apparatus, wherein when it is determined in at least one of the plurality different discrimination processes that an input image is a specific image, said discrimination means aborts other discrimination processes.

Regarding: claim 9. Suzuki discloses (column 5, lines 62-68, and column 6, lines 1-7) an image processing apparatus, wherein only when it is determined in a first

Art Unit: 2622

discrimination process of the plurality of different discrimination processes that an input image specific image, said discrimination means executes second discrimination process. As taught by Suzuki that upon execution of the first mode the system checks for the existence of the red mark and depending on if it is found as to if the system continues to check further, column 5, lines 62-68, and column 6, lines 1-7, each of the comparators check for the existence of a watermark, if a watermark is found the comparator release a signal of "0" or "1" and depending on the signal must satisfy a condition $A > B$, the signal is feed to an AND gate 613 releases a output signal of "1" only when all comparators provide outputs of "1" otherwise releases a signal "0" therefore the system is checking for existence of a watermark if it is found sets a "0" otherwise "1" It is understood that if the system determines in the first mode that it finds an object then it proceeds further, otherwise continues normally to print the incoming object.

Regarding claim 10, Suzuki discloses (column 15, lines 50-66) an image processing apparatus, wherein when image data inputted by input means is a specific image, said control means executes one of control inhibiting the image data from being stored in storage means, control for modifying the image data and storing the modified image data in the storage means, control erasing the image data temporarily stored in the storage means, and control for modifying the image data temporarily stored in the storage means and re-storing the modified image data in the storage means. Suzuki discloses that the system changes the magnification of the image in memory of two of the color signals and maintains the other color signals.

The limitations of claims 19 and 20 are addressed above.

Response to Arguments

2. Applicant's arguments with respect to claims 4, 5, 7-10, 14 and 18-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Twyler M. Lamb whose telephone number is 571-272-7406. The examiner can normally be reached on Mon, Tues and Thurs 6:30-5:00.

Art Unit: 2622

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on 571-272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Twyler M. Lamb
Primary Examiner
Art Unit 2622